

**In the Circuit Court for Lawrence County, Alabama  
Thirty-Sixth Judicial Circuit  
State of Alabama**

**ADMINISTRATIVE ORDER NO. 9 REGARDING  
ADMINISTRATIVE ORDERS  
ENTERED BY THE SUPREME COURT OF ALABAMA  
And  
ORDERS ISSUED BY THE LAWRENCE COUNTY COMMISSION**

WHEREAS, since March 13, 2020, the Supreme Court of Alabama, the Honorable Chief Justice Tom Parker, presiding, has entered numerous administrative orders concerning the operation of the courts of this state (collectively, “the Supreme Court Orders”) during the state of emergency declared by the Governor of this State and by the Supreme Court;

WHEREAS, following entry of the Supreme Court Orders, this Court entered a series of administrative orders, including, most recently, entering on August 31, 2020, ADMINISTRATIVE ORDER NO. 8 REGARDING ADMINISTRATIVE ORDERS ENTERED BY THE SUPREME COURT OF ALABAMA And ORDERS ISSUED BY THE LAWRENCE COUNTY COMMISSION (ADMIN Order 8); entering on July 31, 2020, “ADMINISTRATIVE ORDER NO. 7 REGARDING ADMINISTRATIVE ORDERS ENTERED BY THE SUPREME COURT OF ALABAMA and ORDERS ISSUED BY THE LAWRENCE COUNTY COMMISSION” (“ADMIN Order 7”) and entering on August 3, 2020, “ADMINISTRATIVE ORDER NO. 7.1 REGARDING ADMINISTRATIVE ORDERS ENTERED BY THE SUPREME COURT OF ALABAMA and ORDERS ISSUED BY THE LAWRENCE COUNTY COMMISSION” (“ADMIN Order 7.1”), both of which effected changes to “ADMINISTRATIVE ORDER NO. 6 REGARDING ADMINISTRATIVE ORDERS ENTERED BY THE SUPREME COURT OF ALABAMA and ORDERS ISSUED BY THE LAWRENCE COUNTY COMMISSION” (“ADMIN Order 6”); and

WHEREAS, since the entry of ADMIN Order 8, certain intervening orders of the Governor of Alabama have been entered extending and expanding and then extending her prior orders that necessitate changes and amendments to ADMIN Order 6, as amended by ADMIN Order 7 and 7.1 and 8;

NOW, BE IT ORDERED that, until further order of this Court, as follows:

1. The following enumerated paragraphs in the ADMIN Order 6 are amended as follows:

2. Paragraph 2 is STRICKEN.

3. Paragraph 3, and the selected subparts thereof, are AMENDED TO READ AS FOLLOWS: All in-person court proceedings including jury trials, will restart in this judicial circuit beginning May 17, 2021, subject to the following rules and procedures:

**3.6.** “*Court participants*” refers, as to a particular court proceeding, to all persons required to attend and participate in the court proceeding as a juror, summoned juror, potential juror, an attorney, party or witness, and specifically excludes Court Officials. Victims of criminal conduct who have a right to be present per Ala.Code §§ 15-14-50 et. seq. are included in this designation.

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**3.17.** “Resumption Phase Three” refers to the period of time starting May 17, 2020 until further order of this Court.

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#### **4. REGARDING JURY TRIAL:**

**4.1.** Jury trials, already resuming, shall be conducted in accord with the following:

4.1.1. For all jury proceedings following entry of this Order, all jurors shall be summoned via the Alacourt Online Juror Response System.

4.1.2. All jurors seeking excuse **must** process that excuse via the Alacourt Online Juror Response System. Those who assert that they cannot access the online system will be directed to the Clerk who will logon and enter the Juror excuse information via the Alacourt Online Juror Response System.

4.1.3. No juror shall be allowed for further consideration if (1) at the time they are responding, they have a disqualifying condition or circumstance, or (2) they reasonably anticipate having a disqualifying condition or circumstance as of the dates of the jury trial.

- 4.1.4. All jurors who are at increased risk for severe illness from COVID-19 per CDC regulations shall be excused from service. In making this determination, the Court shall consider the guidelines identified by the Centers for Disease Control (as of the date of this instant order, these may be found at <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>).
- 4.1.5. No later than Wednesday of the week prior to the start of jury trial, ALL qualified and non-excused potential jurors shall be told to report to the LCJAC Monday at 8:30 a.m. for processing, provided, however, that **no more than 100 such jurors** shall be told to report for any given term.
- 4.1.6. Voir dire of the reporting jury panel and selection of subpanels shall be conducted in the fashion utilized prior to the issuance of the COVID-19 orders, starting in March 2020.
- 4.1.7. Jury deliberations will occur in the jury deliberation room utilized prior to the issuance of the COVID-19 orders, starting in March 2020.
- 4.1.8. All court participants, Court Officials and court attendees shall not be required to observe social distancing protocols during any court proceedings, unless a judge presiding over a particular proceeding requires such for that proceeding only; the wearing of masks by court participants, Court Officials and court attendees will be optional and appropriate signage shall indicate such.

Paragraphs 4.2 remain in full force and effect, without alteration. Paragraphs 4.3, 4.4, 4.5, and 4.6, and the subparagraphs thereof are STRICKEN as no longer applicable.

## **5. REGARDING COURT ENTRY PROCEDURES:**

- 5.1.** Every Court Official, court participant and court attendee entering or attempting to enter a court facility in order to attend a court proceeding must be screened prior to entry by designated court security staff; provided, however, that court officials may self-screen by assessing whether they have a disqualifying condition or circumstance and shall determine whether they have a fever of 100.0 or higher within 2 hours of attempting to enter the court facility.

6. Paragraph 6 is AMENDED as follows:

**6.1.** Social distancing protocols, previously required, are no longer required but may be observed, at the election of court officials, court participants and court attendees. Moreover, a supervisor of any department of the judicial branch of the Thirty-Sixth Judicial Circuit, (as long as there is a “State of Emergency” in effect as issued by the Governor of this State), at his or her discretion, may require the observation of social distancing protocols by the employees under their supervision or by court officials, court participants and court attendees appearing in the area of the LCJAC under their most direct control.

6.1.1. STRICKEN and no longer applicable, pending further order of the court.

6.1.2. STRICKEN and no longer applicable, pending further order of the court.

**6.2.** Masks. As Resumption Phase Three, as amended above, is immediately effective, the wearing of masks by Court Officials, court participants and court attendees is not required by the terms of this order but may be required of any person by the judge presiding over the court proceedings and may be optionally observed by any individual, subject to the regulations below. Further, a supervisor of any department of the judicial branch of the Thirty-Sixth Judicial Circuit, (as long as there is a “State of Emergency” in effect as issued by the Governor of this State), at his or her discretion, may require the wearing of masks by the employees under their supervision or by court officials, court participants and court attendees appearing in the area of the LCJAC under their most direct control. Subparagraphs 6.2.1 and subparagraphs thereof are STRICKEN and no longer applicable, pending further order of the court.

6.2.2. The requirements of this paragraph are subsumed by paragraph 6.2 above.

6.2.3. Masks worn inside the court facility shall not contain writing or any image that would be inappropriate for a courtroom setting.

6.2.4. At the sole discretion of the judge presiding over the court proceeding, the requirement of wearing a mask as to any given person may be relaxed for a specific time for a specific purpose. If an individual is wearing a mask during a court proceeding, the court may require that the mask be temporarily removed: (i) for identification purposes, (ii) if the mask substantially interferes with the ability of the judge, parties, lawyers or court reporter to understand the witness, or (iii) if wearing the mask prevents an authorized recording device from

accurately recording what is being said by an individual who is speaking. [UNCHANGED]

- 6.2.5. Any person attempting entry into a court facility who is not disqualified for entry but does not otherwise possess a suitable mask shall be provided a mask for use while at the court facility. Such a mask shall be provided at no cost by the court, county or municipality involved. Such masks shall be returned to court security personnel at the conclusion of the court proceeding on a daily basis, to be disposed and destroyed in accord with guidelines from the Alabama Department of Public Health. [UNCHANGED]

**6.4. Trial and Evidentiary Hearing Protocol.** As promptly as possible, using email and telephone, court participants shall advise the chambers of the court holding the court proceeding or a member of the clerk's office if they or any other court participant has or develops a disqualifying condition or circumstance. Such information should be forwarded to the judge or referee presiding over the court proceeding who shall then determine if and under what circumstances the court proceeding shall take place, using the same decision process detailed in paragraphs 5.4.2, 5.4.2.1 and 5.4.2.2.

- 6.4.1. The remaining subparagraphs of 6.4 are STRICKEN and no longer applicable (the only applicable subparagraph 6.4.5 being stated in 6.4 above), pending further order of the court.

7. Paragraphs 7.1, and 7.2 and the subparagraphs thereof are STRICKEN and no longer applicable, pending further order of the court.

**7.3.** Paragraph 7.3 is AMENDED to read in its entirety as follows: Persons wishing to enter Public Judicial Areas in the LCJAC for purposes other than attendance of a court proceeding, shall be subject to the screening and disqualification process used for court participants and court attendees described in paragraph 5 and the subparagraphs thereof and shall not be permitted entrance into the court facility if they are determined to have a disqualifying condition or circumstance.

**7.4.** Paragraphs 7.4 and 7.5 and the subparagraphs thereof are STRICKEN and no longer applicable, pending further order of the court.

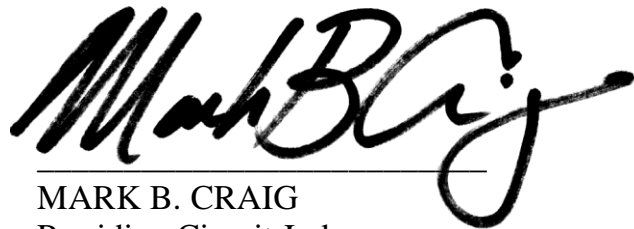
8. Paragraph 8 and the subparagraphs thereof are STRICKEN and no longer applicable, pending further order of the court.

9. Paragraph 9 and the subparagraphs thereof remain in full force and effect except to the extent they imply compulsory rules not authorized in this order as amended.

Unless modified by the above, all other provisions of ADMIN Order 6, as amended by ADMIN Order 7, 7.1, and 8, remain in full force and effect.

It is ORDERED that the Circuit Clerk shall spread this Order upon the minutes of the Court, provide the Alabama Administrative Office of Courts with a copy of this Order which Office will in turn send a copy to the Alabama State Bar Association, post a copy on the Lawrence County Circuit Court Clerk's official website, otherwise cause a copy of this Order to be specifically filed of record in each matter in which the referenced video or audio conference procedures are employed to conduct any proceedings, and serve a copy of this Order upon the Sheriff of Lawrence County, Alabama, upon the local office of the Alabama Board of Pardons and Paroles, upon the District Attorney of the Thirty-Sixth Judicial Circuit, and upon the Court Referee of this Circuit.

DONE AND ORDERED, this 17th day of May, 2021,

A handwritten signature in black ink, appearing to read "Mark B. Craig", written over a horizontal line.

MARK B. CRAIG  
Presiding Circuit Judge  
36<sup>th</sup> Judicial